

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

TIMOTHY W. JONES,

Plaintiff,

v.

NO. _____
JURY DEMANDED

AMERICAN RIVER TRANSPORTATION,
CO., LLC AND ARCHER-DANIELS-
MIDLAND COMPANY, INC.

Defendants.

SEAMAN'S COMPLAINT FOR DAMAGES

The Complaint of Timothy W. Jones, a resident of the lawful age of majority of Saline County, Arkansas, with respect represents that:

I.

Made defendants herein are American River Transportation Co., LLC and Archer-Daniels-Midland Company, Inc. which are indebted unto petitioner for an amount reasonable in the premises, damages, maintenance and cure, and all other relief as provided by law plus all costs of this proceeding together with legal interest on all amounts from date of injury, or alternatively from date of judicial demand, until paid for the following reasons:

II.

The jurisdiction of this Court is invoked under 28 U.S.C. §1331 in that petitioner's claims arise under 46 U.S.C. §30104, commonly known as the "Jones Act". In the alternative, the admiralty jurisdiction of this Court is invoked pursuant to 28 U.S.C. §1333(1) in that petitioner's claims arise under the General Maritime Law.

III.

Venue is proper in this Court pursuant to 28 U.S.C. §1391(b)(1) in that a substantial part of the events or omissions giving rise to the claims asserted herein occurred within this judicial district.

IV.

At all material times herein, American River Transportation Co., LLC and Archer-Daniels-Midland Company, Inc. (hereinafter collectively referred to as "Defendants") owned and operated a fleet of vessels, including the *M/V Dan McMillan*, navigating on the Mississippi River near Memphis, Tennessee.

V.

At all material times herein, Timothy W. Jones was employed by Defendants and assigned to work as a deckhand aboard the *M/V Dan McMillan*.

VI.

At all material times herein, Timothy W. Jones was a member of the crew of the *M/V Dan McMillan* and his duties contributed to the navigation and/or function of the *M/V Dan McMillan*.

VII.

On or around October 11, 2017, the *M/V Dan McMillan* was moored at a floating fueling station on the Mississippi River near the east bank at Memphis, Tennessee when he tripped and fell due to an unseaworthy condition of the vessel and/or the negligence of Defendants.

VIII.

The fall and injuries to Timothy W. Jones were caused by the acts and/or omissions of Defendants and their employees, agents and/or representatives in the following non-exclusive particulars:

- a. Failure to provide a safe place to work;
- b. Failure to employ a safe method of work;
- c. Failure to maintain the equipment in a reasonably safe condition;
- d. Failure to provide a vessel, appertunances and equipment which were reasonably fit for their intended purpose;
- e. Failure to provide an adequate crew;
- f. Failure to provide a properly trained crew;
- g. Failure to train and supervise its employees, agents, crewmembers, and representatives;
- h. Failure to follow applicable safety guidelines and regulations;
- i. Failure to warn of the risk of injury; and
- j. Other acts and/or omissions which may be shown at trial on this matter;

IX.

Further, the incident and injuries referenced above were caused by the unseaworthiness of the vessel, its equipment, gear, and appertunances and/or the negligence of the employees, agents and representatives of Defendants.

X.

Timothy W. Jones itemizes his past, present and future damages to include but not be limited to the following:

- a. Medical Expenses;
- b. Loss of earnings;
- c. Impaired earning capacity;
- d. Loss of fringe benefits;
- e. Physical pain and suffering;
- f. Mental anguish and emotional trauma;
- g. Disability;
- h. Scarring and disfigurement;
- i. Loss of enjoyment of life;
- j. Other damages provided by law or which may be shown at trial of this matter;

XI.

Timothy W. Jones further shows that his injuries were sustained in the service of the vessel and he has not reached maximum medical improvement at this time, thus he is entitled to maintenance and cure from Defendants until he reaches maximum medical improvement as declared by his treating physician.

WHEREFORE plaintiff, Timothy W. Jones, prays that his Complaint for Damages be duly cited and served on defendants, American River Transportation Co., LLC and Archer-Daniels-Midland Company, Inc., and that after due proceedings there be judgment herein in his favor and against defendants, jointly, severally and in solido, for an amount reasonable in the premises, damages, maintenance and cure, and all other relief as provided by law plus all costs of

this proceeding together with legal interest on all amounts from date of injury, or alternatively from date of judicial demand, until paid;

PRAYS FURTHER for trial by jury;

PRAYS FURTHER for any and all other relief available;

Respectfully submitted:

RAINWATER, HOLT & SEXTON

s/ Robert L. Beard

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